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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/070,007  
 Applicant : Ward et al.  
 Filed : October 10, 2002  
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 Examiner : Janet L. Andres  
 For : TRUNCATED EGF RECEPTOR  
 Docket No. : 7-02  
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Commissioner for Patents  
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March 18, 2005 Date	<i>Cathy Nelson</i> Cathy Nelson
EV 663 225 094 US Express Mail Tracking Number	

## CORRECTION OF THE RECORD

Sir:

Applicants have now noted an error in our response of August 30, 2004. On page 8 we stated "Similarly, the truncated ectodomain described in Maihle et al. lacks the entire L2 domain." This statement is not correct. Applicants maintain, however, that the current claims are distinguished over Maihle et al.

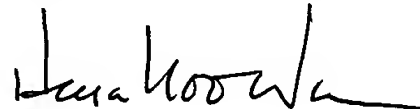
In particular, the c-erbB construct described in Maihle et al. lacks the entire CR2 domain. (Maihle in Figure 7 illustrates a construct that has 3 residues past the III domain/L2 followed by an intron sequence, i.e. not functional. It is now recognized from the structural data that the III domain/L2 ends after these 3 residues and not before, so that Figure 7 illustrates a construct which is missing the entire IV or CR2 domain.) The inventors have made this construct using the analogous human sequence and shown that it possesses NO binding affinity.

In contrast, the current claims require that the truncated ectodomain comprises at least residues 1-492 of ErbB1, which encompasses part of module 1 of the CR2

domain. Furthermore, there is no evidence to suggest that the c-erbB construct described in Maihle shows increased binding affinity compared to the full length sequence. For these reasons, we maintain that the current claims are novel and nonobvious in light of Maihle et al.

It is believed that the present submission does not require the payment of any fees. If this is incorrect however, please charge any fees required, including any extensions of time required, to Deposit Account No. 07-1969.

Respectfully submitted,



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